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003/008

Application No.: 10/526,787

Docket No.: JCLA16283-R

REMARKS

Present Status of the Pending Claims

In the current Office Action, claims 1-6, 8-10 and 12-29 are pending.

Claims 1, 2, 4, 6, 15-17, 22, 27, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mohmeyer (2000DE-2002352; Mohmeyer hereinafter) in view of Shuri et al (JP 2000-126580; Shuri hereinafter);

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mohmeyer and Shuri, and further in view of Gross (JP43-19511; Gross hereinafter);

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mohmeyer in view of Shuri and in view of Takei et al (US 5,507,868; Takei hereinafter);

Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mohmeyer in view of Shuri, and further in view of Takahiro et al (JP7-328408; Takahiro hereinafter);

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mohmeyer in view of Shuri, and further in view of Arami et al. (JP62-294461; Arami hereinafter);

Claims 8-10, 12-14, 23, and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 25, 26, and 28 would be allowable.

All claims remain unchanged from their previously presented forms.

Discussion of the Office Action Rejections

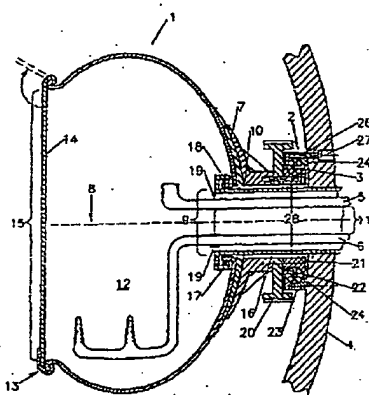
Claims 1, 2, 4, 6, 15-17, 22, 27, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mohmeyer (2000DE-2002352; Mohmeyer hereinafter) in view of Shuri.

In the reply dated November 05, 2008, Applicants had submitted that Mohmeyer

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fails to teach "said one end and said other end are respectively provided with an air vent, one of which constitutes an air inlet for supplying process gas from outside into said rotating drum, and the other one of which constitutes an air outlet for exhausting the process gas from inside said rotating drum to the outside, when coating the granules" (emphasis added).



In the current Final Office Action, the Examiner sustains his position in rejecting the present invention as set forth in claim 1. In rebutting the above emphasized argument, the Examiner contended: "Mohmeyer does provide for a vessel having ends, one with a lid and one without a lid and a peripheral wall defining a vessel for accommodating granules therein as shown in Fig. 1 of Mohmeyer. Also, as shown in Fig. 1, Mohmeyer provides for an air vent, one of which constitutes an air inlet (area 9) for supplying process gas from outside into said rotating drum, and the other one (area 15) of which constitutes an air outlet for exhausting the process gas from inside said rotating drum to the outside when coating the granules. Merely because Mohmeyer provides for one end of the drum to be closed with the lid (14) does not explicitly or implicitly suggest that the lid when closed provides an airtight seal. Thus, the lid (14) would merely act to keep the contents (i.e., granules) from falling out but yet let processing gas to pass therefrom. Finally, when the drum is filled with its contents (i.e., granules) and gas is allowed to fill the drum when the lid is placed thereon, one of ordinary skill in the art would expect the process gas supplied into said rotating drum

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through said air inlet to pass through the contents inside said rotating drum and be exhausted from the drum via passage through edges of the lid which would act as an air outlet" (see "Response to Arguments" Section of the current Office Action at Pages 8 and 9).

As contended above, the Examiner has interpreted the area 9 of Mohmeyer as reading on the air inlet, and the area 15 of Mohmeyer as reading on the "air outlet for exhausting the process gas from inside said rotating drum to the outside, when coating the granules".

Mohmeyer has clearly taught that "The pan has a coating opening (15) which closes during the operation of the lid (14)".

Even though the Examiner points out a possibility that the lid 14 may leave a passage when closing the coating opening 15 for exhausting a process gas supplied from the air inlet.

It has been held that "to establish prima facie obviousness of acclaimed invention, all the claim limitations must be taught or suggested by the prior art". *In re Royka*, 490 F. 2d 981, 180 USPQ 580 (CCPA 1974).

As such, Applicants submit that whether a *prima facie* obviousness of a claimed invention is established with respect to a combination of the cited prior art references depends upon what has the prior art references taught, rather than what has the prior art references not taught. Therefore, although the Examiner contended: "merely because Mohmeyer provides for one end of the drum to be closed with the lid (14) does not explicitly or implicitly suggest that the lid when closed provides an airtight seal", Mohmeyer at least fails to teach leaving an air outlet at the edge of the lid 14 when coating the granules. In fact, as shown in the drawing of Mohemeyer, the lid 14 is clearly presented as completely and entirely covering the coating opening 15, and Mohemeyer also states that "The pan has a coating opening (15) which closes during the operation of the lid (14)" (emphasis added), all of which are evidence supporting to understand that the coating opening 15 is closed and the air inside the inner chamber is restricted from being exhausted therefrom, rather than to configure an air outlet.

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Moreover, although the Examiner alleges that "one of ordinary skill in the art would expect the process gas supplied into said rotating drum through said air inlet to pass through the contents inside said rotating drum and be exhausted from the drum via passage through edges of the lid which would act as an air outlet", the passage is assumed by the Examiner and is neither taught, disclosed, nor suggested by Mohemeyer, Shuri, or any of the other cited references.

Although "in limited circumstances, it is appropriate for an examiner to take official notice of facts not in the record or to rely on "common knowledge" in making a rejection", "such rejections should be judiciously applied" (see MPEP §2144.03), and it has also been held that "It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known" (see MPEP §2144.03 A).

Furthermore, such a passage assumed by the Examiner is not suggested by any cited prior art reference, and thus won't be motivated for modification.

Accordingly, Mohmeyer further fails to teach: **"wherein the process gas supplied into said rotating drum through said air inlet passes through said layer of the granules inside said rotating drum and is exhausted from said air outlet"**.

In fact, when coating the granules, the flow path of the process gas of Mohmeyer described by the Examiner is based on assumption only and is not clearly taught, disclosed, or suggested by the prior art references. In fact, Mohmeyer has never taught that the process air is inputted the opening 9 when coating the granules. As such, those skilled in the art won't expect to exhaust the process air from the drum via passage through edges of the lid".

As such, for at least the foregoing reasons, the present invention as set forth in claim 1, and its dependent claims 1, 2, 4, 6, 15-17, 22, 27, and 29, is neither taught, disclosed, nor suggested by Mohmeyer, or any of the other cited references, taken alone or in combination, and thus should be allowed.

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Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mohmeyer and Shuri, and further in view of Gross

Applicants submit that claim 3 depends upon allowable independent claim 1, and thus should also be allowed.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mohmeyer in view of Shuri and in view of Takei

Applicants submit that claim 5 depends upon allowable independent claim 1, and thus should also be allowed.

Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mohmeyer in view of Shuri, and further in view of Takahiro.

Applicants submit that claims 18-20 depend upon allowable independent claim 1, and thus should also be allowed.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mohmeyer in view of Shuri, and further in view of Arami.

Applicants submit that claim 21 depends upon allowable independent claim 1, and thus should also be allowed.

Allowable Subject Matter

Claims 8-10, 12-14, 23, and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As discussed above, the base claims on which claims 8-10, 12-14, 23, and 24 depend, are submitted to be allowable. As such, claims 8-10, 12-14, 23, and 24 are also submitted to be allowable.

Claims 25, 26, and 28 would be allowable.

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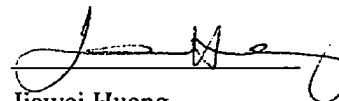
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Claims 25, 26, and 28 remain unchanged from their allowable form, and thus the allowability thereof should also be maintained.

CONCLUSION

For at least the foregoing reasons, it is believed that all the pending claims 1-6, 8-10 and 12-29 of the present application patently define over the prior art and are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

Respectfully submitted,

Date: 4-22-2009

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